IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6260 OF 2003.

Union of India & Anr.... ....
Petitioners
V/s
P. Thyagarajan & Ors..... ... .
Respondents.

Mr.T.J.Pandian, Adv. For the petitioners.

Mr.S.S.Karkera, for R.Nos. 1 & 2.

None for R.No.4..

CORAM: V.G. PALSHIKAR

AND

V.R.KINGAONKAR, JJ.

8.3.2006.

PC:

By this petition the petitioner-Union of India has challenged the order passed by the Central Administrative Tribunal partly allowing the Original Application of the present respondent.

2. Operative part of the Tribunal's order impugned in this case reads as :

> "In the result, for the foregoing reasons, though not disturbing the appointments made in pursuance of second selection, we partly allow this OA by setting aside the impugned order with direction to the respondents to put applicants to a viva voice test on the basis of this earlier qualifying the written examination and in the event they are found fit they shall be considered for appointments as JE-II from the

due date with all consequential benefits. The aforesaid directions shall be complied with within a period of three months from the date of a copy of this order."

3. The contention of the Union of India in the petition is that the cancellation of earlier selection having been made by validate reasons it could not be revived thereafter by the Tribunal. The cancellation was undertaken because three of the employees who were in the zone of consideration had factually conveyed their unwillingness for promotion and therefore the entire zone for consideration was required to be changed. Since that was not done the selection process undertaken earlier was canceled. The cancellation subsequently has been revoked and the selection process was held proper. However though the revival took place factually no implementation was done and therefore Original Application was filed before the Tribunal.

4. All that has been done by the Tribunal that the petitioner-Union of India is directed to consider the case of respondent-employees on the basis of their qualifying marks in the earlier examination and in the event they are found fit they be considered for appointment as JE from due date. No injury of any kind is caused to any of the employees. Nor was there any complaint either by the Union of India or any other employee. This is because the Tribunal has recorded its finding that it is not going to disturb the appointments made in pursuance of the second selection. In such circumstances mere direction to reconsider on the basis of earlier examination is not such as would cause irreparably loss to the Union of India

requiring interference of this Court. Hence petition dismissed.